

**Remarks**

Claims 18, 22, 29 and 32 have been amended, and claims 19 and 28 have been canceled. Claims 18, 20-27 and 29-32 remain in the application. Reconsideration of the rejections and objections at an early date is requested.

The examiner rejected claims 22 and 28 under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 22 has been amended to delete the unclear reference to "gm". Claim 28 has been canceled. Thus, this basis of rejection has been overcome.

The examiner rejected claim 32 under 35 U.S.C. 101 for not setting forth steps involved in a process. Claim 32 has been amended to recite it as an additional step to the process of claim 29.

Claims 18-32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (U.S. Patent No. 6,077,557) in view of Engel et al. (U.S. Patent No. 5,976,550) and as evidenced by the Food Chemicals Codex.

Gordon et al. discloses starch molded gelled food products, particularly fruit snacks, which are available in different forms and have added insoluble calcium phosphates. The document describes the features of the first paragraph of present claim 18, i.e. sweeteners, gelatinizers or thickeners, souring agents, colorant and glazing agents or sugar-coating agents as surface treatment agents.

Engel et al. is directed to sugar based sweets containing therapeutic amounts of chitosan, kava and a fat burning nutraceutical which may include L-carnitine. However, Engel et al. only discloses the feature L-carnitine without any further specification of applicable forms.

The cited Food Chemicals Codex describes L-carnitine as white crystals, having a formula weight  $C_7H_{15}NO_3$  and a molecular mass of 161.20.

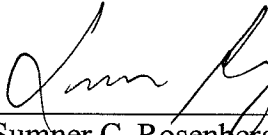
Given that Engel et al. teach L-carnitine only, it would not have been obvious to one of ordinary skill in the art at the time of the invention to use L-carnitine in a form which is at least sometimes crystalline, having the formula  $C_7H_{15}NO_3$  or  $C_{18}H_{36}N_2O_{12}$ , at least one L-carnitine complex, at least one L-carnitine complex salt, at least one mixture of substances containing L-carnitine, or at least one L-carnitine fumarate, or any combination thereof and further comprising L-carnitine as a crystalline tartrate having the formula  $C_{18}H_{36}N_2O_{12}$  and a molecular mass of 472.49 u.

Specifically, the Food Chemicals Codex describes L-carnitine as white crystals and as a white crystalline, hygroscopic powder. In contrast, L-carnitine-tartrate is more stable and advantageous for use in solid foods. It would therefore not have been obvious to one of ordinary skill in the art at the time of the invention to have used these specific forms of L-carnitine having knowledge of the cited references, i.e. the crystalline fumarate and tartrate.

Consequently, applicant respectfully submits that the claimed invention would not be obvious to one of ordinary skill in the art, and therefore the claims are allowable.

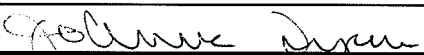
No additional fees are believed to be due; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

  
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**Application No. 10/551,306**

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